REMARKS

Claims 1, 17, 29, 40, 55, 63, 64 and 66 have been amended. Claims 1-69 remain in the application for consideration. In view of the following amendments and remarks, Applicant respectfully solicits allowance of the application and furtherance onto issuance.

§ 101 Rejections

Claims 40-47 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

As amended, **claim 40** recites a data structure embodied on a computer-readable medium comprising [emphasis added]:

- a first sub-structure indicative of a *software extension* that is to be incorporated in a software application program;
- one or more second sub-structures associated with the first sub-structure and *indicating feature types that are added by the extension* to the application program; and
- one or more third sub-structures associated with the one or more second sub-structures and *indicating features of an associated feature type* that are added *by the extension*.

In making out the rejection of this claim, the Office argues that Applicant has not recited the functional interrelationship between the first, second, and third sub-structures to constitute a true data structure. Applicant strongly disagrees and traverses the rejection.

Applicant respectfully submits that there is a functional interrelationship between the first and second sub-structures, as the first sub-structure is indicative of a software extension and the second indicates feature types *added by the*

extension. Likewise, there is a functional interrelationship between the second and third sub-structures, as the second sub-structure indicates *feature types* added by the extension and the third sub-structure *indicates features of an associated feature type*. Moreover, there is a functional interrelationship between the first and third sub-structures, as the first sub-structure is indicative of a *software extension* and the third sub-structure indicates features of an associated feature type *added by the extension*. Applicant respectfully maintains that the claimed data structure is a "physical or logical relationship among data elements" (i.e. the first, second and third sub-structures) "designed to support specific data manipulation function" (i.e. delivery of software extensions via a network) and is therefore statutory subject matter. In addition, **claims 41-47**, which depend on claim 40, are statutory for similar reasons.

Accordingly, Applicant respectfully solicits withdrawal of this rejection.

§ 102 Rejections

Claims 1-69 stand rejected under 35 U.S.C § 102(e), as being anticipated by U.S. Patent No. 6,253,366 to Mutschler, III (hereinafter "Mutschler").

Claims 1-16

As amended, **claim 1** recites a method comprising [emphasis added]:
- describing one or more software extensions using descriptions, the extensions being configured for incorporation in a software platform executing on a client; and
- delivering the descriptions of the one or more extensions to the client via a network, the descriptions being configured for use in downloading the software extensions via the network;
- said acts of describing and delivering being configured to *enable software to be delivered over the network.*

In making out the rejection of this claim, the Office cites to Mutschler's column 4, lines 21-30 and 48-60, and to column 6, lines 13-16. The excerpts cited by the Office are set out in their entireties below [emphasis added]:

> Users of workgroup-based and component development tools are finding it increasingly difficult to coordinate their software development efforts across the enterprise. A solution in accordance with the present invention employs the benefits of XMI (XML Metadata Interchange), which is an open industry standard that combines the benefits of the Web-based XML standard for defining, validating and sharing document formats on the Web with the Meta Object Framework (MOF) to provide a means for generating formats to allow the development tools to share information. One particular use of this invention is to define an XML DTD for the object-oriented Unified Modeling Language (UML). *Column 4, lines 21-30.*

> In order to accomplish the objects of the present invention it is necessary to generate Document Type Definitions ("DTD") for the Extensible Markup Language ("XML"), a World Wide Web Consortium standard. A DTD is a set of rules governing the element types that are allowed within an XML document and rules specifying the allowed content and attributes of each element type. The DTD also declares all the external entities referenced within the document and the notations that can be used. Stated otherwise, an *XML DTD provides a means by which an XML processor can validate the syntax and some of the semantics of an XML document.* An XMI DTD specifies the particular elements allowed in an XMI document. *Column 4, lines 48-60.*

> The ORB 14 is coupled to the tool 15 by means of an import/export module 22; and, in a like manner to the tool 17 by means of an import/export module 23. The term "import" as used herein shall mean the creation of an object based on a description of an object transmitted from an external entity. *Column 6, lines 13-16.*

Applicant respectfully submits that Mutschler in general, and these excerpts specifically, do not disclose or suggest "describing one or more software

extensions" and "delivering the descriptions of the one or more extensions" such that *software* can be delivered over a network. Rather, the excerpts cited by the Office simply describe aspects of Mutschler's methods and systems for generating a compact Document Type Definition (DTD) for *data interchange* among software tools. The Office's attention is respectfully drawn to Mutschler's title ("Method and System for Generating a Compact Document Type Definition for *Data Interchange* among Software Tools"), Field of the Invention (". . . a method and system for generating a compact Document Type Definition for *data interchange* among software tools. . . ."), and column 4, line 61, through column 5, line 15 (". . . the present invention includes a DTD generator 19, which effects *data interchange* . . . by defining the contents of the messages exchanged. . . .") for confirmation that Mutschler discloses methods and systems for data interchange, as opposed to *software* delivery. Mutschler's methods and systems do not disclose or suggest enabling *software* to be delivered over a network. If Mutschler had intended its systems and methods to be directed to delivering software over a network, then Mutschler surely would have made mention of this fact in its disclosure. As any such mention of this is conspicuously absent from Mutschler's disclosure, it is quite apparent that Mutschler had no such intention. Accordingly, for at least this reason, this claim is allowable.

Claims 2-16 depend from claim 1 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 17

As amended, **claim 17** recites one or more computer-readable media having computer-readable instructions thereon which, when executed by a computer system, cause the computer system to [emphasis added]:

- describe one or more software extensions using extensible markup language (XML), the extensions being configured for incorporation in a software platform comprising a single application program, the single application program having multiple different functionalities that can enable a user to accomplish multiple different tasks; and
- deliver XML descriptions of the one or more extensions to the client via the Internet, the descriptions being configured for use in downloading the software extensions via the Internet;
- wherein causing said computer system to describe one or more extensions and deliver XML descriptions *enables software to be delivered over the Internet*.

In making out the rejection of this claim, the Office cites to the same sections of Mutschler as were cited to in making out the rejection of claim 1. As noted above, these excerpts simply describe aspects of Mutschler's methods and systems for generating a compact Document Type Definition (DTD) for *data interchange* among software tools. Mutschler generally, and these excerpts specifically, have nothing to do with enabling *software* to be delivered over the Internet. Accordingly, for at least this reason, this claim is allowable.

Claims 18-28

Claim 18 recites a method comprising [emphasis added]:

- describing one or more software extensions using one or more descriptive files, the extensions being configured for incorporation in a software program executing on a client;

- associating the one or more descriptive files with one or more associated extension files *that are useable to provide a program functionality*;
- storing the descriptive files and associated extension files in a network-accessible location; and
- delivering the descriptive files and the associated extension files of the one or more extensions to the client via a network.

In making out the rejection of this claim, the Office cites to column 4, lines 54-56, for the act of associating. This excerpt is set forth below:

> The DTD also declares all the external entities referenced within the document and the notations that can be used.

Applicant respectfully submits that nowhere in this excerpt, or any other portion of the reference, does Mutschler disclose or suggest extension files that are *useable to provide a program functionality*. As noted above, Mutschler discloses methods and systems for *data interchange*. Applicant has reviewed Mutschler and can find nothing equivalent to Applicant's extension files that would be *useable to provide a program functionality*, as Applicant has defined and used those terms in its specification and claims. Accordingly, for at least this reason, this claim is allowable.

Claims 19-28 depend from claim 18 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 18, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claims 29-39

As amended, **claim 29** recites a method comprising [emphasis added]:

- storing one or more extension definition files (EDFs) that describe a logical attachment to a software application program;
- storing one or more extension files that correspond to the one or more EDFs and extend the software application program;
- delivering, via a network, at least one EDF to a client; and
- delivering, via the network, at least one extension file that corresponds to the at least one EDF to a client;
- both of said acts of storing and both of said acts of delivering *enabling software to be delivered over the network.*

In making out the rejection of this claim, the Office cites to Figs. 1 and 2 (as anticipating the first "storing" act), to column 2, lines 37-43 (as anticipating the second "storing" act), and to column 4, lines 29-39 (as anticipating the "delivering" acts).

However, Applicant respectfully submits that Mutschler in general, and these excerpts specifically, do not disclose or suggest acts of storing and delivering such that *software* can be delivered over a network. Rather, the excerpts cited by the Office simply describe aspects of Mutschler's methods and systems for generating a compact Document Type Definition (DTD) for *data interchange* among software tools. The Office's attention is respectfully drawn to Mutschler's title ("Method and System for Generating a Compact Document Type Definition for *Data Interchange* among Software Tools"), Field of the Invention (". . . a method and system for generating a compact Document Type Definition for *data interchange* among software tools. . . ."), and column 4, line 61, through column 5, line 15 (". . . the present invention includes a DTD generator 19, which effects *data interchange* . . . by defining the contents of the messages exchanged. . . .")

for confirmation that Mutschler discloses methods and systems for data interchange, as opposed to *software* delivery. Mutschler's methods and systems do not disclose or suggest enabling *software* to be delivered over a network. Accordingly, for at least this reason, this claim is allowable.

Claims 30-39 depend from claim 29 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 29, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claims 40-47

As amended, **claim 40** recites a data structure embodied on a computer-readable medium comprising [emphasis added}:

- a first sub-structure indicative of a software extension that is to be incorporated in a software application program;
- one or more second sub-structures associated with the first sub-structure and *indicating feature types that are added by the extension to the application program*; and
- one or more third sub-structures associated with the one or more second sub-structures and indicating features of an associated feature type that are added by the extension.

In making out the rejection of this claim, the Office cites to column 4, lines 1-8, and 21-39 (as anticipating the first, second and third sub-structures). These excerpts are set forth below:

> Every property of an object has a value, and it is the property values that define the state of the object. A property can be either an attribute or a reference. An attribute defines a value that is stored within the object. For example, "current account

balance" could be an attribute of the customer account object. *Column 4, lines 1-8.*

A solution in accordance with the present invention employs the benefits of XMI (XML Metadata Interchange), which is an open industry standard that combines the benefits of the Web-based XML standard for defining, validating and sharing document formats on the Web with the Meta Object Framework (MOF) to provide a means for generating formats to allow the development tools to share information. One particular use of this invention is to define an XML DTD for the object-oriented Unified Modeling Language (UML). The XMI specification provides application developers with a common language for specifying transfer syntax for development language that allows visualizing, constructing and documenting of distributed objects and business models. The XMI specification in conjunction with the present invention will enable integration of development tools from multiple vendors, collaboration and distribution of object-oriented design and database schema information, and enhancement of the life cycle of information resources. *Column 4, lines 21-39.*

Applicant respectfully disagrees with the Office's rejection of this claim for the reasons the Office provides. Nowhere in these excerpts or any other portion of the reference, does Mutschler disclose or suggest sub-structures ***indicating feature types that are added by the extension to an application program***, as the term "feature types" is defined and used in Application's specification. The Office's attention is respectfully drawn to Applicant's specification, page 14, lines 12-19, in addition to Table 1, all of which are reproduced below for the Office's convenience [emphasis added]:

EDFs advantageously have an "open schema" which means that third party developers can extend the extension mechanism and include their own extensions by creating their own tags. Additionally, extensions can themselves be extended by other developers. EDFs can also have one or more predefined tags. Exemplary predefined XML tags for user interface

elements can include tags for *feature types such as: tool bars, accelerators, menu items, and themes*. These feature types are utilized in the single navigable window application incorporated by reference above and defined in the table immediately below:

Feature Type	Definition
Tool Bars	Horizontal command containers above the document area.
Accelerators	Keyboard shortcuts for commands
Menu Items	Pop-up or drop-down menu choices that third parties can add to well-known, named menu attachments in the platform
Themes	A data-driven way to provide overrides for well-known resources of the platform, such as default buttons or default style sheet

Table 1

Applicant respectfully submits that Mutschler does not disclose or suggest anything analogous to Applicant's one or more second sub-structures associated with the first sub-structure and *indicating feature types that are added by the extension to the application program*, as the term "feature type" is defined and used by Applicant. Accordingly, for at least this reason, this claim is allowable.

Claims 41-47 depend from claim 40 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 40, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claims 48-53

Claim 48 recites a method of delivering software via a network comprising:

- navigating to a network site that maintains at least one software application program; and
- ***downloading a software application program*** from the network site, the application program comprising multiple different functionalities that can assist a user in accomplishing different tasks, the software application program being configured to be extended with software extensions that are deliverable via a network and are described by at least one network-deliverable file.

In making out the rejection of this claim, the Office cites to column 4, lines 24-39 and column 5, lines 18-19. Column 4, lines 24-39, was reproduced earlier and is not repeated here. Column 5, lines 18-19, is reproduced below [emphasis added]:

> In the disclosed embodiment, the ***repository*** 11 is a specialized, extensible object-oriented database application that adds value to a database system, which allows customization of a particular domain (such as application development).

This excerpt merely indicates that Mutschler's ***repository*** 11 is a database application. As stated in column 4, lines 65-66, in discussing Mutschler's Figure 1, ***server 10 executes a variety of software including a repository 11***. Applicant respectfully submits that a server ***running*** a database application is quite different from a method that allows a user to ***download*** a software application program. Applicant has studied Mutschler .and can find no disclosure or suggestion of ***downloading a software application program***. Rather, Mutschler discloses generating a XML DTD and XMI data stream for import/export. This is quite different than ***downloading a software application program***. Accordingly, for at least this reason, this claim is allowable.

Claims 49-53 depend from claim 48 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 48, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 54

Claim 54 recites one or more computer-readable media having computer-readable instructions thereon which, when executed by a computer, cause the computer to:

- navigate to a network site that maintains at least one software application program;
- *download a software application program* comprising multiple different functionalities that can assist a user in accomplishing different tasks, the software application program being configured to be extended with software extensions that are deliverable via the network and described by at least one network-deliverable file; and
- extend the software application program by adding at least one extension to the application program, the extension being added by using a link to navigate to a different network site that hosts one or more files that describe the extension, and extension files that are used to implement the extension and downloading the one or more files and the extension files to a client.

In making out the rejection of this claim, the Office cites to the same sections of Mutschler as were cited to in making out the rejection of claim 48. As noted above, this excerpt merely indicates that Mutschler's *repository* 11 is a database application. As stated in column 4, lines 65-66, in discussing Mutschler's Figure 1, *server 10 executes a variety of software including a repository 11.*

Applicant respectfully submits that a server *running* a database application is quite different from a method that allows a user to *download* a software application program. Applicant has studied Mutschler and can find no disclosure or suggestion of *downloading a software application program*. Rather, Mutschler discloses generating XML DTD and a XMI data stream for import/export. This is quite different from *downloading a software application program*. Accordingly, for at least this reason, this claim is allowable.

Claims 55-62

As amended, **claim 55** recites a method comprising:

- accessing a Web site through which one or more software extensions can be obtained and *through use of which software can be delivered*;
- receiving at least one file that describes at least one software extension using a hierarchical language that describes the software extension's logical attachment to a software application program;
- receiving one or more software extension files; and
- installing the one or more software extension files based, at least in part, on the description contained in said at least one file.

In making out the rejection of this claim, the Office cites to column 6, lines 11-16 as anticipating the "accessing" act. This excerpt is set forth below:

> The ORB 14 is coupled to the tool 15 by means of an import/export module 22; and, in a like manner to the tool 17 by means of an import/export module 23. The term "import" as used herein shall mean the creation of an object based on a description of an object transmitted from an external entity. *Column 6, lines 11-16.*

However, this subject matter does not anticipate or suggest accessing a Web site through which one or more software extensions can be obtained and *through use of which software can be delivered*. As discussed above, Mutschler discloses methods and systems for generating a compact Document Type Definition (DTD) for *data interchange* among software tools. Mutschler's methods and systems do not disclose or suggest a Web site through use of which *software* can be delivered. Accordingly, for at least this reason, this claim is allowable.

Claims 56-62 depend from claim 55 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 55, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 63

As amended, **claim 63** recites a method comprising:

- describing one or more software extensions using one or more extensible markup language (XML) files, the extensions being configured for incorporation in a software program executing on a client;
- associating the one or more XML files with one or more associated extension files that are useable to provide a program functionality; and
- storing the XML files and associated extension files in a network-accessible location;
- said acts of describing and associating being configured to *provide software for delivery* over the network.

In making out the rejection of this claim, the Office cites to column 4, lines 1-8, and 21-39. This excerpt was set forth previously and is not repeated here.

Applicant respectfully submits that Mutschler in general, and these excerpts specifically, do not disclose or suggest acts of describing and associating such that *software* can be provided for delivery over a network. Rather, the excerpts cited by the Office simply describe aspects of Mutschler's methods and systems for generating a compact Document Type Definition (DTD) for *data interchange* among software tools. The Office's attention is respectfully drawn to Mutschler's title ("Method and System for Generating a Compact Document Type Definition for *Data Interchange* among Software Tools"), Field of the Invention (". . . a method and system for generating a compact Document Type Definition for *data interchange* among software tools. . . ."), and column 4, line 61, through column 5, line 15 (". . . the present invention includes a DTD generator 19, which effects *data interchange* . . . by defining the contents of the messages exchanged. . . .") for confirmation that Mutschler discloses methods and systems for data interchange, as opposed to providing *software* for delivery. Mutschler's methods and systems do not disclose or suggest acts of describing and associating being configured to *provide software* for delivery over a network. Accordingly, for at least this reason, this claim is allowable.

Claims 64-65

As amended, **claim 64** recites a network site comprising:

- one or more software extension files configured to be incorporated into a software application program, the software extension files being configured to *allow delivery of software* via a network; and

- one or more files associated with the one or more software extension files and describing the extension files, the one or more files describing a logical attachment of the one or more software extension files to the software application program.

The Office contends that the subject matter of this claim is disclosed in column 6, lines 11-16, column 4, lines 21-39, and column 6, lines 29-49. However, as discussed above, these excerpts do not disclose or suggest software extension files being configured to *allow delivery of software* via a network. For at least this reason, this claim is allowable.

Claim 65 depends from claim 64 and is allowable as depending from an allowable base claim. This claim is also allowable for its own recited features which, in combination with those recited in claim 64, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claims 66-69

As amended, **claim 66** recites a method of managing network-based software extensions comprising:

- grouping multiple software extension descriptions in a catalog in a network-accessible location to *enable delivery of software* via a network;
- accessing the network-accessible location; and
- using the catalog to update a software extension that is resident on a computing device.

In making out the rejection of this claim, the Office cites to column 5, lines 16-23, to column 6, lines 11-12, and to column 6, lines 21-36. Applicant has

reviewed these excerpts and can find no disclosure or suggestion of grouping multiple software extension descriptions in a catalog in a network-accessible location to *enable delivery of software* via a network. Accordingly, for at least this reason, this claim is allowable.

Claims 67-69 depend from claim 66 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 66, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Conclusion

Applicant has studied the reference cited by the Office and has sincerely attempted to describe how the claimed subject matter patentably distinguishes over this reference. Applicant submits that all of the claims are in condition for allowance and respectfully requests that the Office withdraw the finality of the present office action and pass the application along to issuance. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

Dated: 2/26/04

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